

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

## **ORDER**

For the reasons stated in the Memorandum entered contemporaneously herewith, the Court rules as follows:

(1) Plaintiff's "One Final PreConference/Trial Motion Objecting to this Court's Vitiating Conduct," (Docket Entry No. 310) is hereby DENIED;

(2) the Clerk is hereby DIRECTED to mail to Plaintiff at his last known address a copy of Administrative Order 138-4, as referenced in the Order entered August 11, 2006 (Docket Entry No. 38);

(3) Defendant James Spray's Objections to Report and Recommendation (Docket Entry No. 303) are hereby OVERRULED IN PART and SUSTAINED IN PART;

(4) the R&R filed on October 24, 2008 (Docket Entry No. 299) is hereby ACCEPTED IN PART and REJECTED IN PART. The R&R is REJECTED to the extent it recommends Plaintiff's Fourth Amendment claim against Officers Howard Wright and James Spray should proceed to trial. The Court concludes that Plaintiff fails to state a Fourth Amendment claim against either officer and

alternatively, that the officers are entitled to qualified immunity on the Fourth Amendment claim.

The R&R is ACCEPTED in all other respects;

(5) Plaintiff's Fourth Amendment claim against Officer Wright is hereby DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);

(6) the Motion for Summary Judgment filed by defendants Harold Wright and James Spray (Docket Entry No. 262), is hereby GRANTED;

(7) the Motion to Dismiss And/Or Motion For Judgment On The Pleadings filed by defendant West Nashville Wrecker & Towing Service (Docket Entry No. 269) is hereby GRANTED;

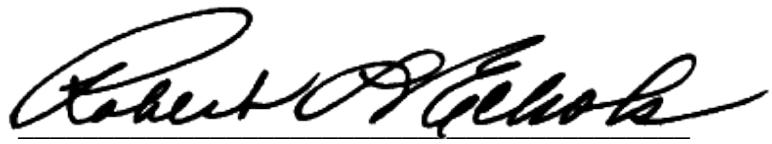
(8) all remaining claims brought by Plaintiff that were not dismissed in prior Orders of the Court are hereby DISMISSED WITH PREJUDICE;

(9) any outstanding motions or objections are hereby DENIED AS MOOT;

(10) entry of this Order on the docket shall constitute entry of final Judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a); and

(11) the Court finds under 28 U.S.C. § 1915(a)(3) that any appeal by Plaintiff would not be taken in good faith.

It is so ORDERED.



ROBERT L. ECHOLS  
UNITED STATES DISTRICT JUDGE